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10/764,218	01/23/2004	Douglas Durham	15436.162.1	9129

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EXAMINER
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ART UNIT	PAPER NUMBER
2194	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/764,218	DURHAM ET AL.
	Examiner	Art Unit	
	Abdou Karim Seye	2194	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 September 2008</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>11 September 2008</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>11/19/2008</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-26 are pending in this application.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
    forth in section 102 of this title, if the differences between the subject matter sought to be
    patented and the prior art are such that the subject matter as a whole would have been obvious
    at the time the invention was made to a person having ordinary skill in the art to which said
    subject matter pertains. Patentability shall not be negatived by the manner in which the invention
    was made.

3.   Claims 1-4 and 8 are rejected under 35 U.S.C. 103 (a) as being

unpatentable over Leong et al. (US 6707794) in view of Anderson et al

(5850388).

4.   As to claim 1, Leong teaches the invention substantially as claimed

including a method for processing data events (abstract; "events"; col. 2, lines 1-

29) captured in a multi-protocol communications system (100, FIG. 1; col. 1, lines

10-13, lines 40-67, "Internet" and "Ethernet") , the method comprising:

        capturing first data events (abstracts; col. 2, lines 1-29; col. 1, lines 53-54) at

a first link analyzer (152, FIG. 1, col. 1, lines 50-56), the first link analyzer being

disposed in an in-line arrangement with respect to a first data stream (col. 1, lines

54-56) corresponding to a first communication protocol (112; FIG. 1; col. 1, lines

45-47);

    capturing second data events (abstracts; col. 2, lines 1-29; col. 1, lines 53-54)

at a second link analyzer (150, FIG. 1, lines 50-56), the second link analyzer

being disposed in an in-line arrangement with respect to a second data stream

corresponding to a second communication protocol (FIG. 1; where the Ethernet

is the second communication protocol) that is different from the first

communication protocol;

    accessing the captured first and second data events, each of the captured first

and second data events having an associated clock timestamp (FIG. 6; col. 4,

lines 60-67; col. 5, lines 1-15);and

     displaying at least some of the data events by way of a graphical

user interface (abstract; FIG. 6; FIG. 4 col. 2, lines 60-67; col. 3, lines 3-38;

wherein FIG. 5a-q are graphical user interface) .

5.   Leong does not explicitly teach sorting at least some of the first and

second captured data events according to the respective clock timestamps

associated with each of the first and second captured data events.

6.   Anderson teaches the sorting of data events with timestamps for

displaying to a PC or a display device (FIG. 21; col. 30, lines 20-24).

7.   It would have been obvious to a person of ordinary skill in the art at the
time the invention was made to modify Leong's invention with Anderson's to
provide a sorting mechanism that would sort the first and second captured data
events according to the respective clock timestamps associated with each of the
first and second captured data events. One would have been motivated to sort
captured data events according to clock timestamps in order to enhance user's of
GUI ability to find information quickly on a display device (Anderson's col. 30,
lines 20-39). Therefore to improve user's efficiency.

8.   As to claim 2, Anderson teaches, wherein the displayed data events
represent at least the first and second communication protocols (FIG. 20; col. 30,
lines 59-67).

9.   As to claim 3, Leong teaches, wherein the displayed data events
represent at least two different communication protocols selected from the group
consisting of: Infiniband; Gigabit Ethernet; SONET; Fibre Channel; and, PCI
Express (col. 4, lines 55-60; col. 7, lines 5-10) .

10.   As to claim 4, Leong teaches, wherein the clock timestamp is based upon
one of: a reference clock; and, a protocol clock (FIG. 8a; col. 5, lines 30-36).

11.   As to claim 8, Leong teaches, displaying information concerning at least
some of the displayed data events, wherein the displayed information includes at

least one of: a data event start time; a data event stop time; a data event delta

time; a data event type; an analyzer port in connection with which a data event

was captured; a timestamp value; and, a protocol type (col. 3, lines 10-15; FIG.

8b; col. 4 ,lines 43-46).

12.   Claims 5-7, and 9-26 are rejected under 35 U.S.C. 103 (a) as

unpatentable over Leong et al. (US 6707794) in view of Anderson et al (US

5850388), as applied to claim 1 above, and further in view of Grace (US

5748098).

13.   As to claims 5, Leong and Anderson failed to teach determining a

temporal relationship between displayed data events .

14.   Grace discloses a system that determines temporal relationship between

events by using historical data collected and displayed from identified related

data events (abstract; Fig. 6, col. 8, lines 10-35).

15.   It would have been obvious to a person of ordinary skill in the art at the

time the invention was made to combine the teachings of Leong, Anderson and

Grace because the determination of the temporal relationship between data

events from Grace will improve accuracy on statistical results generated and

displayed of Leong and Anderson's system by allowing the user to group the

data events in order to quickly identify the causes of faults in a network, and to

organize available resources efficiently (Grace's, col. 1, lines 30-35).

16.   As to claim 6, Grace teaches, wherein the temporal relationship comprises

one of the following: a first data event preceded a second data event; a first data

event followed a second data event; a first data event overlapped a second data

event; and, a first data event and second data event commenced simultaneously

and also concluded simultaneously (col. 4, lines 1-4).

17.   As to claim 7, Grace teaches, using information concerning the temporal

relationship (abstract). Anderson teaches a causal relationship exists between

the at least two sorted data events (col. 30, lines 25-39).

18.   As to claim 9, it is rejected for the same reasons as claim 1 and 5 above.

19.   As to claim 15, Leong teaches a method for processing data events

associated with a multi-protocol communications system, the method being

suitable for use in connection with a multi- link protocol analyzer and comprising:

   capturing first data events (abstracts; col. 2, lines 1-29; col. 1, lines 53-54)at a

first link analyzer (152, FIG. 1, col. 1, lines 50-56), the first link analyzer being

disposed in an in-line arrangement with respect to a first data stream

(col. 1, lines 54-56) corresponding to a first communication protocol (112; FIG. 1;

col. 1, lines 45-47);

   capturing second data events (abstracts; col. 2, lines 1-29; col. 1, lines 53-54)

at a second link analyzer (150, FIG. 1, lines 50-56), the second link analyzer

being disposed in an in-line arrangement with respect to a second data stream

corresponding to a second communication protocol (FIG. 1; where the Ethernet

is the second communication protocol) that is different from the first

communication protocol;

   timestamping each of the captured first and second data events in association

with a clock (FIG. 6; col. 4, lines 60-67; col. 5, lines 1-15);

   filling a display with at least some of the data events (FIG. 5q; col. 3, lines 10-

15; FIG. 8b; col. 5, lines 38-54); and

   displaying the data events in the display by way of a graphical user

interface(abstract; FIG. 6; FIG. 4 col. 2, lines 60-67; col. 3, lines 3-38; wherein

FIG. 5a-q are graphical user interface).

20.   Leong does not explicitly teach a temporal relationship between at least

two of the displayed data events is apparent from the display , and sorting at

least some of the captured first and second data events according to the

respective clock timestamps associated with each of the first and second

captured data events.

21.   Anderson teaches the sorting of data events with timestamps for

displaying to a PC or a display device (FIG. 21; col. 30, lines 20-24).

22.   Grace teaches a system that determines temporal relationship between events by using historical data collected and displayed from identified related data events (abstract; Fig. 6, col. 8, lines 10-35).

23.   It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Leong, Anderson and Grace because the sorting of the data events from Anderson and the determination of the temporal relationship between data events from Grace will improve accuracy on statistical results generated and displayed of Leon's system by allowing the user to group the data events in order to quickly identify the causes of faults in a network, and to organize available resources efficiently .

24.   As to claim 21, it is rejected for same reasons as claim 9 above.

25.   As to claims 10,16 and 22, they are rejected for the same reasons as claim 3 above.

26.   As to claims 11, 17 and 23, they are rejected for the same reasons as claim 4 above.

27.   As to claims 12, 18 and 24, they are rejected for the same reasons as claim 6 above.

28.   As to claims 13, 19 and 25, they are rejected for the same reasons as

claim 7 above.

29.   As to claims 14, 20 and 26, they are rejected for the same reasons as

claim 8 above.

Response to Arguments

30.   Applicant's arguments with respect to claims 1-26 have been considered

but are moot in view of the new ground(s) of rejection.

Conclusion

31.   Applicant's amendment necessitated the new ground(s) of rejection presented

in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and

any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date

of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

32.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Karim Seye whose telephone number is 571-270-1062. The examiner can normally be reached on Monday - Friday 8:30 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/   /Abdou Karim Seye/
Primary Examiner, Art Unit 2194   Examiner, Art Unit 2194